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Chief Clerk of the House

FILED FEB 21 2007

By:



H.B. No. 1733

A BILL TO BE ENTITLED

AN ACT

relating to a structure that is considered a homestead exempt from
seizure for certain claims.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 41.002, Property Code, is amended by
adding Subsection (c-1) to read as follows:

(c-1) A structure not affixed to land, including a mobile
home or a houseboat, that is designed or adapted for human
residence, is used as a residence, and is occupied by the homestead
claimant as the claimant's principal residence is a homestead.
Section 2.001(a) or a similar statute does not affect a homestead
designation under this subsection.

SECTION 2. The change in law made by this Act takes effect
January 1, 2008, but only if the constitutional amendment proposed
by the 80th Legislature, Regular Session, 2007, providing that
certain structures not affixed to land be considered homesteads
protected from certain types of forced sale is approved by the
voters. If that amendment is not approved by the voters, the Act
has no effect.

HOUSE COMMITTEE REPORT

1st Printing

07 APR 15 PM 11:50
HOUSE OF REPRESENTATIVES

By: Goolsby

H.B. No. 1733

Substitute the following for H.B. No. 1733:

By: Solomons

C.S.H.B. No. 1733

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COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4/4/07
(date)

Sir:

We, your COMMITTEE ON BUSINESS AND INDUSTRY

to whom was referred HB 1733 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- ☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ☒ yes () no A fiscal note was requested.
- () yes ☒ no A criminal justice policy impact statement was requested.
- () yes ☒ no An equalized educational funding impact statement was requested.
- () yes ☒ no An actuarial analysis was requested.
- () yes ☒ no A water development policy impact statement was requested.
- () yes ☒ no A tax equity note was requested.
- ☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Giddings, Chair	X			
Elkins, Vice-chair				X
Darby, CBO	X			
Bailey				X
Bohac	X			
Castro	X			
Martinez	X			
Solomons	X			
Zedler	X			

Total 7 aye
 0 nay
 0 present, not voting
 2 absent

Tom Craddick
CHAIR

BILL ANALYSIS

C.S.H.B. 1733
By: Goolsby
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2006, the Texas Supreme Court rendered a ruling that prevents individuals from claiming a habitable boat as a principal residence or homestead. This decision prohibiting homestead protections for habitable boats would expose the property to seizure for bankruptcy. The justices claimed that, in order for a homestead exemption, a place of residence had to sit on dry land. The boat owners in the case example claimed that the vessel, as a four bedroom, three bathroom home complete with plumbing and utilities, should be considered their primary residence. The Texas property code does not expressly exclude boats but it defines homesteads as sitting on dry land.

C.S.H.B. 1733 defines that a structure not affixed to land that is designed for human residence as the claimed principal residence is a homestead.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1733 amends the Texas Property Code to define that a structure not affixed to land, including a manufactured home or a house boat, that is designed for human residence and is occupied as the claimant's principal residence is a homestead.

EFFECTIVE DATE

January 1, 2008, if the constitutional amendment proposed by the 80th Legislature, Regular Session, 2007, providing that certain structures not affixed to land be considered homesteads protected from certain types of forced sale is approved by the voters.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The difference between the original bill and the committee substitute is the change of the term "mobile" home to "manufactured" home.

SUMMARY OF COMMITTEE ACTION

HB 1733

March 27, 2007 2:00 PM or upon final adjourn./recess

Considered in public hearing

Committee substitute considered in committee

Left pending in committee

April 04, 2007 2:00 PM or upon final adjourn./recess

Considered in public hearing

Committee substitute considered in committee

Recommended to be sent to Local & Consent

Reported favorably as substituted

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 9, 2007

TO: Honorable Helen Giddings, Chair, House Committee on Business & Industry

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1733 by Goolsby (Relating to a structure that is considered a homestead exempt from seizure for certain claims.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JOB, JRO, JM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 26, 2007

TO: Honorable Helen Giddings, Chair, House Committee on Business & Industry

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1733 by Goolsby (Relating to a structure that is considered a homestead exempt from seizure for certain claims.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JOB, JRO, JM

ADOPTED

MAY 02 2007

Robert Hanes
Chief Clerk
House of Representatives

as
amended
MVB

By:

[Signature]

Substitute the following for H.B. No. 1733:

By:

Solomons

H.B. No. 1733

C.S. H.B. No. 1733

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LIST OF HOUSE AMENDMENTS PREVIOUSLY UNDER CONSIDERATION

HB1733-Second Reading

<u>AMENDMENT#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
1	Goolsby	Amendment	Adopted

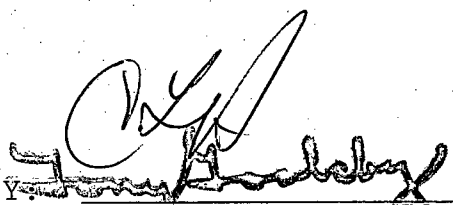
ADOPTED

MAY 02 2007

Robert H. Ney MHB
Chief Clerk
House of Representatives



FLOOR AMENDMENT NO. 1

BY: 

1 Amend H.B. No. 1733 on page 1, lines 13-19, by striking
2 SECTION 2 of the bill and substituting the following:

3 SECTION 2. This Act takes effect September 1, 2007.

Insert A

HOUSE ENGROSSMENT

By: Goolsby

H.B. No. 1733

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SECTION 2. This Act takes effect September 1, 2007.

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Austin, Texas

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LBB Staff: JOB, JRO, JM

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LBB Staff: JOB, JRO, JM

80TH LEGISLATURE**COAUTHOR AUTHORIZATION**(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

Bill or Resolution Number:

HB 1733signature of **primary** authorTony Goolsbyprinted name of **primary** authorFEB 21 2007

Date

PERMISSION TO SIGN

HB 1733

(bill or resolution #)

HAS BEEN GIVEN TO (check only one of the following):

☒ ALL REPRESENTATIVES☐ THE FOLLOWING REPRESENTATIVE(S):

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2100 Allen	Date	A2450 Cook, Byron	Date	A2795 Farabee	Date
A2125 Alonzo	Date	A2565 Cook, Robby	Date	A2820 Farias	Date
A2150 Anchia	Date	A2595 Corte	Date	A2810 Farrar	Date
A2155 Anderson	Date	A2605 Crabb	Date	A2840 Flores	Date
A2145 Aycock	Date	A2610 Craddick	Date	A2850 Flynn	Date
A2160 Bailey	Date	A2615 Creighton	Date	A2860 Frost	Date
A2205 Berman	Date	A2640 Crownover	Date	A2920 Gallego	Date
A2230 Bohac	Date	A2645 Darby	Date	A2915 Garcia	Date
A2240 Bolton	Date	A2620 Davis, John	Date	A2960 Gattis	Date
A2250 Bonnen	Date	A2625 Davis, Yvonne	Date	A2945 Geren	Date
A2280 Branch	Date	A2680 Delisi	Date	A2935 Giddings	Date
A2265 Brown, Betty	Date	A2690 Deshotel	Date	A2910 Gonzales	Date
A2270 Brown, Fred	Date	A2705 Driver	Date	A4660 Gonzalez Toureilles	Date
A2255 Burnam	Date	A2665 Dukes	Date	A2990 Goolsby	Date
A2295 Callegari	Date	A2660 Dunnam	Date	A3045 Guillen	Date
A2495 Castro	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2585 Chavez	Date	A2775 Eiland	Date	A3050 Hamilton	Date
A2480 Chisum	Date	A2780 Eissler	Date	A3100 Hancock	Date
A2525 Christian	Date	A2785 Elkins	Date	A3160 Hardcastle	Date
A2425 Cohen	Date	A2805 England	Date	A3150 Harless	Date
A2435 Coleman	Date	A2800 Escobar	Date	A3165 Harper-Brown	Date

A3170 Hartnett	Date	A3730 Mallory Caraway	Date	A4200 Puente	Date
A3175 Heflin	Date	A3780 Martinez	Date	A4230 Quintanilla	Date
A3155 Hernandez	Date	A2835 Martinez Fischer	Date	A4215 Raymond	Date
A3140 Herrero	Date	A3665 McCall	Date	A4220 Riddle	Date
A3250 Hilderbran	Date	A3650 McClendon	Date	A4250 Ritter	Date
A3275 Hill	Date	A3845 McReynolds	Date	A4270 Rodriguez	Date
A3305 Hochberg	Date	A3830 Menendez	Date	A4350 Rose	Date
A3290 Hodge	Date	A3840 Merritt	Date	A4525 Smith, Todd	Date
A3325 Homer	Date	A3825 Miles	Date	A4540 Smith, Wayne	Date
A3330 Hopson	Date	A3835 Miller	Date	A4530 Smithee	Date
A3315 Howard, Charlie	Date	A3860 Moreno	Date	A4505 Solomons	Date
A3310 Howard, Donna	Date	A3870 Morrison	Date	A4545 Strama	Date
A3340 Hughes	Date	A3865 Mowery	Date	A4565 Straus	Date
A3375 Isett	Date	A3875 Murphy	Date	A4570 Swinford	Date
A3350 Jackson	Date	A3885 Naishtat	Date	A4585 Talton	Date
A3405 Jones	Date	A3900 Noriega	Date	A4600 Taylor	Date
A3480 Keffer	Date	A3880 Oliveira	Date	A4630 Thompson	Date
A3470 King, Phil	Date	A3886 Olivo	Date	A4650 Truitt	Date
A3460 King, Susan	Date	A3930 Orr	Date	A4685 Turner	Date
A3465 King, Tracy	Date	A3940 Ortiz, Jr.	Date	A4700 Van Arsdale	Date
A3495 Kolkhorst	Date	A3945 Otto	Date	A4780 Vaught	Date
A3485 Krusee	Date	A4090 Parker	Date	A4725 Veasey	Date
A3450 Kuempel	Date	A4050 Patrick	Date	A4800 Villarreal	Date
A3520 Latham	Date	A4100 Paxton	Date	A4900 Vo	Date
A3540 Laubenberg	Date	A4140 Pena	Date	A4995 West	Date
A3560 Leibowitz	Date	A3240 Pierson	Date	A5005 Woolley	Date
A3610 Lucio, III	Date	A4160 Phillips	Date	A5150 Zedler	Date
A3705 Macias	Date	A4180 Pickett	Date	A5170 Zerwas	Date
A3715 Madden	Date	A4185 Pitts	Date	District 29	Date

H.B. No. 733

**A BILL TO BE ENTITLED
AN ACT**

By _____

relating to a structure that is considered a homestead exempt from seizure for certain claims.

FEB 21 2007

Filed with the Chief Clerk

FEB 26 2007

Read first time and referred to Committee on

Business and Industry

APR 04 2007

Reported ____favorably (~~unfavorably~~)
(as substituted)

APR 16 2007

Sent to Committee on ~~(Calendar)~~
(Local & Consent Calendars)

MAY 02 2007

~~Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)~~
~~(record vote of [REDACTED] yeas; [REDACTED] nays; [REDACTED] present; [REDACTED] not voting)~~

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting _____

MAY 02 2007

Read third time (RECORDED); finally passed (RECORDED) by a (RECORDED) (record vote of 197 yeas, 0 nays, 2 present, not voting)

MAY - 3 2007

Engrossed

MAY - 3 2007

Sent to Senate

Robert Haney
CHIEF CLERK OF THE HO

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 03 2007

Received from the House

MAY 07 2007

Read and referred to Committee on

FINANCE

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent) _____
(_____ years, _____ days)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ years, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by a (viva voce vote) _____
(_____ years, _____ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

07 APR 15 PM 11:50
HOUSE OF REPRESENTATIVES